REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1 and 4-12 are now pending.

The Examiner advised that Figures 7-9 should be designated by a legend such as "Prior Art". Replacement sheets of drawings including Figures 7, 8 and 9 are submitted herewith which label each of Figures 7-9 as "Prior Art".

The drawings were also objected to as failing to comply with 37 CFR §1.84(p)(5) because reference numeral 61 was not mentioned in the specification. The specification has been revised at page 10, to change "blade portions 6" to blade portions 61" and reference numeral 6 has been removed from Figure 5 in the herewith replacement drawings.

In view of the foregoing, reconsideration and withdrawal of the objections to the drawings are requested.

Claims 8 and 9 were objected to under 37 CFR 1.75(c) as being in improper dependent form. Claims 8 and 9 have been revised above to obviate the grounds for this objection.

In view of the foregoing, reconsideration and withdrawal of the objection to claims 8 and 9 are requested.

Original claims 1-7 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been reviewed and revised bearing in mind the revisions suggested by the Examiner. It is believed that all claims are now in full compliance with 35 USC 112, all paragraphs, and it is therefore respectfully requested that the rejection be withdrawn.

Original claims 1 and 4-7 were rejected under 35 USC 102(b) as being anticipated by Clinefelter '210. Applicant respectfully traverses this rejection.

Claim 1 has been amended above to incorporate the limitations of original dependent claim 3 and claims 2 and 3 have been canceled. It is therefore respectfully submitted that the Examiner's rejection in this regard has been mooted.

Original claims 2-7 were rejected under 3 5 USC 103(a) as being unpatentable over Clinefelter. Applicant respectfully traverses this rejection.

In order to prove obviousness, a challenger must present prior art references which disclose the claimed subject matter of the patent/application in question. If separate prior art references each disclose separate elements of a claim, the challenger must also show some teaching, suggestion, or incentive in the prior art that would have led one of ordinary skill in the art to make the claimed combination. See, e.g., Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 297 n.24, 304-05 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986). In determining obviousness, there must be some reason other than hindsight for selectively combining the prior art references to render the claimed invention obvious. See, e.g., Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143 (Fed. Cir. 1985).

Claim 1 has been revised above to specify that the interval between the spatula portion and the inlet surface is in the range of 0.1 to 30 mm. As acknowledged by the Examiner, Clinefelter fails to teach or suggest an interval range as specifically claimed by applicant. In spite of this deficiency, the Examiner has summarily concluded that "It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the apparatus of Clinefelter ('210) such that the interval is in the [claimed] range." Applicant respectfully disagrees. The invention as recited in amended claim 1 relates to an extrusion molding apparatus for a ceramic molded product. Applicant has discovered that in the case where a natural material is involved, which is liable to be mixed with foreign matter, an interval of less than 0.1 mm may cause the spatula portion to come into direct contact with the foreign matter trapped in the filter unit and damage the filter unit. In a case where

the interval exceeds 30 mm, the problem is posed that a comparatively small material lump trapped on the inlet surface of the filter unit cannot be mashed sufficiently. Thus, the new claim 1 is based on the optimum interval between the spatula portion and the inlet surface which was found when a ceramic molded body is prepared (claim 1), particularly in the case where a raw material that comprises natural material is used (claim 12).

On the other hand, Clinefelter relates to a machine for a plastic material, as is apparent from the title of his invention "MACHINE FOR FEEDING, WORKING, AND MIXING PLASTIC MATERIAL". Therefore, Clinefelter does not encounter the problem solved in accordance of the present invention wherein a ceramic material is molded, e.g., when there is contamination derived from a natural material.

It is further submitted that the claimed numeric range cannot "obviously" be found by routine experimentation. Although the Examiner has asserted that the claimed range would be evident to one of ordinary skill through routine experimentation with Clinefelter, it is respectfully submitted that because Clinefelter relates to a machine for a plastic material, one skilled in the art would not obvious use Clinefelter as an extrusion molding apparatus for a ceramic molded product. The skilled artisan optimizing Clinefelter for use with a plastic material, as Clinefelter teaches, would not obviously arrive at the claimed range which is specifically adapted to a ceramic material. Thus, the claimed ranges would not obviously nor inherently be discovered as optimum or workable ranges through routine experimentation with Clinefelter.

The Examiner's assertion that specification contains no disclosure of the critical nature of the recited dimensional requirements nor any unexpected results is not well taken. In this regard the Examiner is referred, for example, to page 5, line 13 et seq. and line 31 et seq. The specification has clearly established the recognition of a problem, and solution which is a basis for the recited range. Thus, these requirements are not arbitrary nor obvious. It is therefore respectfully submitted that because the cited reference is not an extrusion molding apparatus for molding a ceramic product, and does not in any event teach the claimed interval between the spatula portion and the inlet surface, the invention is not anticipated by

the cited reference. Furthermore, because the cited reference does not relate to an apparatus for ceramic molded product, the skilled artisan would not have obviously arrived at the claimed range through routine experimentation and/or optimization of the apparatus and/or process of the cited reference.

The invention was accomplished recognizing a specific problem to be solved in preparing a ceramic molded body, and creating an apparatus to solve that problem. Therefore, the invention is not obvious from Clinefelter, which only discloses a machine for a plastic material. Accordingly, the apparatus disclosed in Clinefelter fails to teach or render obvious an interval lower limit of 0.1 mm between the spatula portion and the inlet surface.

For all the reasons advanced above, the Examiner's rejection of claim 1 as presented above and the claims dependent thereon is respectfully traversed.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,
NIXON & VANDERHYE P.C.
By:
Michelle N. Lester
Reg. No. 32,331

MNL:slj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100